waste with wastes of any other subpart. Alternatively, a multiple wastestream subcategory facility may certify that it provides equivalent treatment as defined in § 437.2(h) for the applicable waste and monitor for compliance with the applicable set of multiple wastestream subcategory limitations after mixing.

(2) Facilities subject to one or more subpart of this part must monitor for compliance with the applicable subpart after treatment and before mixing of the waste with wastes of any other subpart, uncontaminated storm water, or wastewater subject to another effluent limitation or standard in Subchapter N. If, however, the facility can demonstrate to the receiving POTW or permitting authority the capability of achieving the effluent limitation or standard for each subpart after treatment and before mixing with other wastestreams, the facility may monitor for compliance after mixing. In the case of a facility which elects to comply with the applicable set of multiple wastestream subcategory limitations or standards, it is only subject to one subpart.

(3) When a CWT facility treats any waste receipt that contains cyanide at a concentration higher than 136 mg/L, the CWT facility must monitor for cyanide after cyanide treatment and before dilution with other wastestreams. If, however, the facility can demonstrate to the receiving POTW or permitting authority the capability of achieving the cyanide limitation or standard after cyanide treatment and before mixing with other wastestreams, the facility may monitor for compliance after mixing.

Subpart A—Metals Treatment and Recovery

§ 437.10 Applicability.

(a) Except as provided in § 437.1(b), (c), or (d) or in paragraph (b) of this section, this subpart applies to that portion of the discharge of wastewater from a CWT facility that results from the treatment of, or recovery of metals from, both metal-bearing wastes received from off-site and other CWT wastewater associated with the treatment of, or recovery of metal-bearing wastes.

(b) In order to ensure appropriate treatment rather than dilution of dissimilar wastes, an NPDES permit writer or control authority may require a new source or an existing facility subject to this subpart to achieve alternative effluent limitations and standards as defined in § 437.2(b) in the following circumstances:

(1) The facility receives, on a continuing basis, flows of process wastewater from five or fewer facilities subject to 40 CFR Subchapter N limitations and standards; and

(2) The process wastewater flows received for treatment at the facility have relatively consistent pollutant profiles.

§ 437.11 Effluent limitations attainable by the application of the best practicable control technology currently available (BPT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BPT:

BPT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
Conventional Parameters		
O&G	205	50.2
pH	([2])	([2])
TSS	60.0	31.0
Metal Parameters		
Antimony	0.249	0.206
Arsenic	0.162	0.104
Cadmium	0.474	0.0962
Chromium	15.5	3.07
Cobalt	0.192	0.124
Copper	4.14	1.06
Lead	1.32	0.283
Mercury	0.00234	0.000739
Nickel	3.95	1.45
Silver	0.120	0.0351
Tin	0.409	0.120
Titanium	0.0947	0.0618
Vanadium	0.218	0.0662
Zinc	2.87	0.641

[1] mg/L (ppm).
[2] Within the range 6 to 9.

(b) The following in-plant limitations apply to metal-bearing wastewater containing cyanide:

IN-PLANT LIMITATIONS

Regulated parameter	Maximum daily [1]	Maximum monthly avg.[1]
Cyanide	500	178

[1] mg/L (ppm).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.12 Effluent limitations attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32 or 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BCT: Limitations for oil and grease, pH, and TSS are the same as the corresponding limitation specified in § 437.11(a).

§ 437.13 Effluent limitations attainable by the application of the best available technology economically achievable (BAT).

(a) Except as provided in 40 CFR 125.30 through 125.32 or 437.10(b), any existing point source subject to this subpart must achieve the following effluent limitations representing the application of BAT: Limitations for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a).

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.14 New source performance standards (NSPS).

(a) Except as provided in § 437.10(b), any new source subject to this subpart must achieve the following performance standards:

PERFORMANCE STANDARDS

Regulated parameter	Maximum daily [1]	Maximum monthly avg. [1]
Contentional Parameters		
O&G	205	50.2
pH	([2])	([2])
TSS	29.6	11.3
Metal Parameters		
Antimony	0.111	0.0312
Arsenic	0.0993	0.0199
Cadmium	0.782	0.163
Chromium	0.167	0.0522
Cobalt	0.182	0.0703
Copper	0.659	0.216
Lead	1.32	0.283
Mercury	0.000641	0.000246
Nickel	0.794	0.309
Selenium	0.176	0.0698
Silver	0.0318	0.0122
Tin	0.0955	0.0367
Titanium	0.0159	0.00612
Vanadium	0.0628	0.0518
Zinc	0.657	0.252

[1] mg/L (ppm).
[2] Within the range 6 to 9.

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

§ 437.15 Pretreatment standards for existing sources (PSES).

(a) Except as provided in 40 CFR 403.7, 403.13 or 437.10(b), and no later than December 22, 2003, any existing source subject to this subpart must achieve the following pretreatment standards: Standards for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a).

(b) In-plant standards for cyanide are the same as the limitations specified in § 437.11(b).

[65 FR 81300, Dec. 22, 2000, as amended at 68 FR 71023, Dec. 22, 2003]

§ 437.16 Pretreatment standards for new sources (PSNS).

(a) Except as provided in 40 CFR 403.7 or 437.10(b), any new source subject to this subpart must achieve the following pretreatment standards: Standards for antimony, arsenic, cadmium, chromium, cobalt, copper, lead, mercury, nickel, silver, tin, titanium, vanadium, and zinc are the same as the corresponding limitation specified in § 437.11(a)